

REMARKS-ARGUMENTS

This Amendment is submitted in response to the office action mailed 10/06/2004 and is accompanied by a petition for three month extension of time to extend the due date to 04/06/2005. Reconsideration of the amended claims with an eye toward allowance is respectfully requested.

Objection to Information Disclosure Statement

Applicant acknowledges that the examiner has objected to the Information Disclosure Statement (IDS) filed 11 March 2003 as failing to include copies of certain foreign patents or non-patent literature. Applicant is concurrently submitting a supplemental IDS that includes foreign patents and non-patent literature for consideration.

Objection to Oath or Declaration

Applicant notes that the oath or declaration is objected to because it may include non-initialed or non-dated alterations, and that a new oath or declaration is required. Applicant respectfully submits that the only apparent alterations are the handwritten changes to second inventor Anthony B. More's residence and post office address, each of which were corrected at the time Mr. More reviewed and signed the declaration on 7-15-02. Applicant therefore submits that the alterations are signed and dated. However, to remove any doubt and to advance the state or prosecution, applicant is preparing a replacement declaration that includes additional changes to reflect the residence, and post office address information for each of the inventors.

Rejection of Pending Claims

Applicant acknowledges that claims 7-14, 16, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Goshey et al. (US 6,205,527); and that claims 15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goshey et al. in view of Microsoft Corporation, Microsoft Windows 95 Resource Kit ("Microsoft").

Applicant also notes that co-pending patent application serial no. 10/074,686 includes claims 2 and 7 which are provisionally rejected over claim 7 of the instant 10/075,136 application.

Without admitting the propriety of the prior-art or double patenting based rejections, and in light of the related subject matter in co-pending patent application serial no. 10/074,686 and other related co-pending applications, applicant has amended the claims and added new claims that are directed to different aspects of the inventive self-repairing computer and method of self repair. The amendments to the claims by and large moot the earlier basis for the rejection. Support for the amended claims is provided in the application as filed, and particularly in the specification at pages 25-30 of the amended substitute specification filed with the Response to Notice to File Missing Parts mailed 7/18/2002.

Independent claim 16 is now amended as follows:

16. (Currently Amended) A computer that self-repairs to maintain an operational status at any time during operation, the computer comprising:

a main computer hardware box;
at least one CPU disposed within the main computer hardware box;
at least one random access memory disposed within the main computer hardware box and coupled to the at least one CPU;

the at least one CPU and random access memory providing at least one user computing environment and a supporting computing environment substantially isolated from the user computing environment and operative to enhance the stability and functionality of the user computing environment by monitoring processes running or enabled within the user computing environment;

first and second controllers for respective first and second data storage devices disposed within the main computer hardware box of the computer prior to a need for repair, the first data storage device storing programs and data for the user computing environment and the second data storage device being associated with the supporting computing environment and containing at least one backup snap shot; and

means for controlling the self-repair of the computer cooperatively coupled with said at least one CPU, said at least one random access memory, and said first and second controllers.

Applicant submits that the cited prior art fails to disclose, suggest, or motivate any need for "... providing at least one user computing environment and a supporting computing environment substantially isolated from the user computing environment and operative to enhance the stability and functionality of the user computing environment by monitoring processes running or enabled within the user computing environment". Applicant further submits that the cited art fails to disclose, suggest, or motivate any need for both "the first data storage device storing programs and data for the user computing environment and the second data storage device being associated with the supporting computing environment and containing at least one backup snap shot". Applicant therefore respectfully submits that claim 16, and each of the claims dependent therefrom, are patentable over the cited art for at least these two reasons.

Claim 34 (dependent from claim 16) further require "means for obtaining a snap-shot of the user computing environment and means for subsequently using the snap-shot to restore, analyze, or enhance the stability of the user environment." Claim 35 (dependent from claim 34) further requires that the "snap-shot includes at least one of: (i) a stable image of the operating system, software applications, and user data; (ii) an idealized or stable version of a data storage device utilized by the user environment; (iii) a subset of the data storage device of the user environment such as an individual partition of a hard disk drive data storage device; (iv) an idealized version or image of the user system random access memory; (v) an idealized version or image of the user system disk drive; (vi) an idealized version or image of the user system partition image, memory of the video card, or any other memory stored or utilized in the user computing environment." Applicant submits that these features in combination with other elements of the claim are neither disclosed, suggested, or motivated by any of the cited prior art.

Claim 47 (dependent from claim 16) further requires that "a first hard disk drive storage device associated with a first user computing environment that does not contain sensitive data is connected to a network but is isolated from a second hard disk drive storage device associated with a second user computing environment by means of switching, the processing for the first and second computing environments being maintained in isolated secure zones within a single computer; and the video signals associated with the isolated first and second computing environments and the data coming from the first and second hard disk drive storage devices is merged for display onto a common computer display screen so that it appears to a

user that the first and second processes were being performed on the same computer without isolation." Again, applicant submits that these features are not disclosed or suggested by the cited prior art.

Other of the dependent claims recite additional features that further differentiate from the cited art, but rather than repeat the elements of the claims here, Applicant respectfully refers the Examiner to the claims section.

Additional Comments

With these amendments and remarks, Applicant submits that all pending claims are in condition for allowance and requests allowance of same.

Based on the foregoing, Applicant respectfully submits that the application is now in condition for allowance. If any matters can be resolved by telephone, the Examiner is invited to call the undersigned attorney at the telephone number listed below. The Commissioner is authorized to charge any additional fees, including but not limited to fees for additional claims not already paid for or for extensions of time petitions, to Deposit Account No. 50-2319 (Order No. A-70543-1/RMA (469217-12)).

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Respectfully submitted,
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